



Lamoine Board of Selectmen

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Minutes of May 17, 2012

Chair Jo Cooper called the meeting to order at 7:00 PM

Present were: Selectmen William Brann, Gary McFarland, S. Josephine Cooper, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Deputy Code Enforcement Officer/Assessor/Planning Board Alternate Michael Jordan, Local School Advisory Committee member Gordon Donaldson, Transfer Station Manager William Fennelly, RSU 24 Representative Brett Jones, and Town Clerk/Tax Collector Jennifer Kovacs. Selectman Richard Fennelly Jr. had informed the board he would be unable to attend due to the death of his father earlier in the day.

Agenda Review – There was a brief addendum to the agenda. There was no desire to take any matter out of order

Minutes – May 7, 2012 – Cynthia offered one minor correction – the addition of the word “is” under the RSU 24 budget matter. Jo moved to approve the minutes with that correction. Gary 2nd. **Vote in favor was 3-0 (Brann abstained).**

Expenditure Warrant 22 – Selectmen signed the warrant in the amount of \$193,388.88. Stu noted most of that was for RSU 24, and he transferred \$130,000 from the investment management account. He also noted just prior to adjournment that \$30.00 was for reimbursement for cleaning after he picked up improperly disposed of trash at the former landfill road.

Cash & Budget Report – There were no questions or comments.

Investment Management Report – There were no questions or comments.

Checking Reconciliation Statement – Selectmen signed the statement expressing satisfaction with the review of the checking account reconciliation. This had been approved at the meeting of May 7, 2012, but the document was not available for signature.

RSU 24 Withdrawal Vote – Gordon Donaldson noted that there was another public discussion of the matter on May 7, 2012 and it attracted a smaller crowd, but new questions were raised. He said the meeting has been televised which is helpful.

Stu said the Selectmen had asked him to moderate the public hearing set for May 30, 2012, but he's not sure he is the best person to do that as he's also an election official. Jo said she didn't mind moderating the public hearing. Cynthia asked about the format of the hearing. Dr. Donaldson said he thought it was important to explain what this vote is about. Jo asked if the steps in the withdrawal process could be laid out. Gary said he understands this is a vote on whether or not to continue with the withdrawal process. Dr. Donaldson said that was correct.

Cynthia said she thinks it's important for an explanation because the way the ballot is worded is confusing. After a discussion of how and what to display, Stu said he would do up a short power point presentation for the hearing.

Jo asked if Hancock had voted to continue with the withdrawal process. Cynthia said the town meeting this week voted to appropriate the amount to fund further study, so that community is doing it in two pieces. There was a discussion about who should explain the process. Dr. Donaldson said the Local School Advisory Committee will be present to answer questions. A brief discussion followed on whether this is a debate and what the purpose of the public hearing is.

Stu said he again wanted to caution the board about the role of the town office staff in relation to display and distribution of campaign materials. He said absentee ballots are now available and the only materials that can be displayed at the town office in relation to the question are the town meeting warrant, sample ballot and public hearing notice. Bill asked if there was a copy of what the town is voting on. Stu said the sample ballot was posted, and he got it for Bill who read it aloud. There was a brief discussion about the state mandated wording of the ballot question.

Maine Uniform Building & Energy Code (MUBEC) – Stu reported that he sent an e-mail to the Planning Board requesting they address the Building and Land Use Ordinance (BLUO) and MUBEC. He said he received a reply back from the chair of the Planning Board asking for an opinion from Maine Municipal Association Legal regarding what the rules are. He said that question was drafted, e-mailed to the Selectmen and Planning Board for approval, and then sent via e-mail to MMA. He said an attorney from MMA has responded orally and told him that Deputy CEO Mike Jordan's assessment was correct that if the town adopts any kind of building standard, it must comply with MUBEC, though a disclaimer could be put on any certificate of occupancy. Stu said he's asked for a response to be e-mailed.

Mr. Jordan said he received an e-mail from the State Planning Office or its successor that said two towns with a population of less than 4,000 have adopted the MUBEC standard, and several towns that of less than 4,000 which previously had another standard have since changed to the MUBEC standard. Dr. Donaldson said it would be helpful to the Planning Board to hear what would change if the town were to adopt the MUBEC standard. A brief discussion followed on the present BLUO standards in contrast to MUBEC.

Commercial Trash Hauler Application – Stu reported he found an envelope with Russell Boynton Jr.'s application on the floor when he came in this evening for the meeting. He said there was a check for the \$25 basic application fee, but the application listed 7 out of town customers, and there was no check for the \$5/customer enclosed. He suggested a conditional approval be given upon receipt of the out of town trash fee. Jo moved to do so. Cynthia 2nd. **Vote in favor was 4-0.**

Roads – Stu reported the paving on Shore Road and Mill Road originally scheduled for this week might take place Friday but it will more likely be Monday. He said the rain had put Lane Construction behind schedule.

Stu reported the street sweeping is under way, and the transfer station was swept today.

Response to Bureau of Labor Standards Inspection – Stu reported that he put the town's report to the Maine Department of Labor in the Selectmen's packet. He said it was sent via certified mail and he has not heard back. He said letters went to each firefighter who requires training updates requesting that they not respond to calls until such time as they receive needed training and that several members showed up on Wednesday evening to receive it.

Contract with Administrative Assistant – Stu reported just one minor change to the draft contract. Jo moved to approve it, Gary 2nd. **Vote in favor was 4-0, Selectmen signed the 3-year contract.**

Appointment List – Jo asked if the people whose terms are expiring have been contacted. Stu said he had not started yet, but would. It was noted there is a vacancy on the Budget Committee. Stu said Cece Ohmart has requested she be appointed a full budget committee member as she is now the alternate member. He said one other person has expressed interest in serving on the budget committee, and the position would be advertised.

Flags – Stu reported that Richard Fennelly has generally put up the flags at this time of year. He said he hopes to get started soon.

Stu reported that the Cub Scouts are putting up the flags in the two biggest cemeteries while this meeting is taking place. Selectmen signed a thank-you card to be sent to the scouts.

Letter from Catherine deTuede – Selectmen received a letter from Ms. deTuede regarding attendance at town meeting. Stu encouraged them to read it over, along with a brief response he wrote. RSU 24 Representative Brett Jones said Ms. deTuede made reference to improving voter turnout at the last school forum, and he wanted to mention an article published a while back in the Maine Townsman regarding non-resident property owners casting ballots. He noted that has caused a problem, and it would be an interesting article to dig up.

RSU 24 Validation Referendum – Selectmen countersigned several copies of the warrant calling for the RSU 24 Budget Validation vote on June 12, 2012.

Eel Grass Project – Stu reported he received a large document from the MDI Biological Laboratory applying with the DEP for an Eel Grass project. He said he has put that on the town's website.

Next Meetings – The next meeting will be the public hearing on May 30, 2012 followed by the regular meeting on June 7, 2012. Selectmen tentatively set August 9, 2012 as the meeting date in August, dependent on attendance. Stu noted that would be 4-weeks between meetings, so there would likely be an expenditure warrant to sign in between.

Executive Session – Jo moved to enter executive session pursuant to 1MRSA §405(6)(a) for the purposes of conducting performance reviews and contract negotiations with the transfer station manager and the town clerk/tax collector Cynthia 2nd. In at 7:37 PM. Out at 8:25 PM.

There being no further business to conduct, the meeting adjourned at 8:25 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen